

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

STEPHANIE FOSTER, et al.,  
Plaintiffs,

v.

ALEX KOSSEFF, et al.,  
Defendants.

NO: 11-CV-5069-TOR

ORDER GRANTING PLAINTIFFS'  
MOTION FOR ENLARGEMENT OF  
TIME TO DESIGNATE EXPERT  
WITNESSES

BEFORE THE COURT is Plaintiffs' Motion for Enlargement of Time to Designate Plaintiffs' Experts (ECF No. 18). This matter was heard without oral argument on September 21, 2012. The Court has reviewed the motion and is fully informed.

DISCUSSION

Plaintiffs' motion to extend the current deadline for designating expert witnesses was filed on August 22, 2012. The motion indicates that counsel attempted to confer regarding the requested extension, but that defense counsel was on vacation and was unable to provide a definitive response. However,

1 according to Plaintiffs, defense counsel's paralegal promised to notify them in the  
2 event that defense counsel decided to oppose the motion. Plaintiffs indicate that  
3 they had not received any objection as of the date on which their motion was filed.

4 Defendant's response to the motion was due on September 5, 2012. LR  
5 7.1(c)(1). As of today's date, no response has been filed. Accordingly, the Court  
6 will treat Defendants' failure to respond as consent to the entry of an adverse order.  
7 LR 7.1(b). Plaintiffs' motion to extend the deadline for designating expert  
8 witnesses to September 26, 2012 is granted. Defendants shall identify their expert  
9 witnesses by October 29, 2012. The parties shall designate any rebuttal experts by  
10 November 16, 2012.

11 **ACCORDINGLY, IT IS HEREBY ORDERED:**

12 1. Plaintiffs' Motion for Enlargement of Time to Designate Plaintiffs'

13 Experts (ECF No. 18) is **GRANTED**. The Court's Scheduling Order

14 (ECF No. 16) is hereby amended as follows: Plaintiffs shall provide all

15 disclosures regarding experts to the Defendants no later than **September**

16 **26, 2012**. Defendants shall provide all Rule 26(a)(2) disclosures to the

17 Plaintiffs no later than **October 29, 2012**. The parties shall identify any

18 rebuttal experts and provide the Rule 26(a)(2) reports of those experts no

19 later than **November 16, 2012**. All other deadlines remain unchanged.

1 The District Court Executive is hereby directed to enter this Order and  
2 provide copies to counsel.

3 **DATED** this 21<sup>st</sup> day of September, 2012.

4 *s/ Thomas O. Rice*

5 THOMAS O. RICE  
6 United States District Judge  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20